Calendar No. 143

101ST CONGRESS
1st Session

SENATE

REPORT
101-67

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "DISCOVERY"

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

OF THE

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ON

S. 890

JULY 11 (legislative day, JANUARY 8), 1989.—Ordered to be printed

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Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 890]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 890) to authorize a certificate of documentation for the vessel HMS *Discovery,* having considered the same, reports favorably thereon and recommends that the bill do pass.

PURPOSE OF THE LEGISLATION

S. 890, as reported, grants coastwise trading privileges to the vessel HMS *Discovery.*

BACKGROUND AND NEEDS

Subject to certain limited exceptions, the provisions of law known as the Jones Act (section 27 of the Merchant Marine Act, 1920) and sections 12106–12108 of title 46, United States Code, provide that only those vessels built in the United States, continuously documented under the laws of the United States, and continuously owned by U.S. citizens may transport merchandise or passengers in the coastwise trade of the United States.

Where the facts applicable to a particular vessel suggest that the U.S.-built or U.S.-owned requirements have not been satisfied, the Coast Guard may not issue a document permitting coastwise trading privileges for that vessel unless these requirements of law are statutorily waived.

The vessel HMS *Discovery,* Washington State registration number WAZ 9816 F, is a 25-foot wood reconstruction of the launch

HMS *Discovery*. It was custom-built in 1987 in British Columbia, Canada, and registered in the State of Washington. The owner of the *Discovery* is Pure Sound, a nonprofit organization conducting educational tours on Puget Sound and its environment. Pure Sound intends to use the vessel for waterborne instruction of students.

The owner is seeking a statutory waiver because it acquired the *Discovery* in reliance upon erroneous legal advice that the vessel did not have to be U.S.-built in order to carry passengers for these purposes.

LEGISLATIVE HISTORY

S. 890 was introduced in the Senate on May 2, 1989, by Senator Gorton. In open executive session on June 20, 1989, the committee considered S. 890, and ordered the legislation reported favorably without objection and without amendment.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 408 of the Congressional Budget Act of 1974, the committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 28, 1989.

Hon. ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 890, a bill to authorize a certificate of documentation for the vessel HMS *Discovery*. The bill was ordered reported by the Senate Committee on Commerce, Science and Transportation on June 20, 1989. Enactment of S. 890 is not expected to result in any cost to the federal government or to state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

ROBERT D. REISCHAUER,
Director.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the committee provides the following evaluation of the regulatory impact of the legislation, as reported.

Because S. 890 does not create any new programs, the legislation will have no additional regulatory impact, and will reuslt in no additional reporting requirements. The legislation will have no further effect on the number or types of individuals and businesses regulated, the economic impact of such regulation, the personal privacy of affected individuals, or the paperwork required from such individuals and businesses.

SECTION-BY-SECTION ANALYSIS

The bill consists of one section. It provides that, notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this act, the vessel HMS *Discovery,* Washington State registration number WAZ 9816 F, is eligible to engage in the coastwise trade and the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation for such vessel.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the committee states that the bill as reported would make no change to existing law.

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